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11 PAYPAL, INC.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.,  
Plaintiff, Counter-defendant,  
v.  
APPLE INC.,  
Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH  
**DECLARATION OF BRIAN SIMS IN  
SUPPORT OF EPIC GAMES, INC.'S  
ADMINISTRATIVE MOTION TO  
SEAL**

**DECLARATION OF BRIAN SIMS**

I, Brian Sims, declare as follows:

1. I am the Senior Director and Associate General Counsel of PayPal, Inc. I am over 18 years of age and am competent to testify to the matters set forth herein. I am familiar with PayPal's policies and procedures regarding its protection and treatment of highly sensitive, confidential, and proprietary business information. As such, I have personal knowledge of the matters set forth herein, and, if called upon, would testify competently and truthfully to the matters set forth herein.

2. I make this declaration in partial support of Epic Games, Inc.’s Administrative Motion to Seal Limited Portions of the Parties’ Trial Exhibits and Any References at Trial to the Information Sought To Be Sealed (“Motion”), and specifically, with regard to Exhibit No. PX-2451. As stated below and identified in the accompanying Proposed Order, PayPal only seeks to seal and redact limited portions (“Redacted Information”) of Exhibit PX-2451 (“Response to RFP”) to protect PayPal’s confidential and competitively sensitive and/or proprietary information.

3. The Response to RFP is a business proposal to Epic concerning PayPal's payment processing services. It contains PayPal's specific answers to questions posed by Epic, certain support and escalation contacts, and a custom-made presentation deck outlining an overview of PayPal's services that are specially offered to Epic.

4. The Redacted Information on page 15, 16, and 38 contains information regarding PayPal's "Gateway Uptime" used to measure the contractual commitments made to its merchant partners as the minimum level of service. This information is competitively sensitive as it directly reflects PayPal's confidential business strategy and decisions regarding its service commitment.

5. PayPal also seeks to redact the number of Latam users by region on page 3. PayPal only seeks to redact the number of Latam users as such information is kept confidential and PayPal does not disclose or release this information publicly. If such information were made public, it would cause competitive harm to PayPal as it reflects recent metrics of PayPal's growth and business strategy in a specific region.

6. PayPal further seeks to redact personal identifying information of certain PayPal

1 employees. The confidential identifying information of PayPal employees contain their phone  
2 numbers and e-mail addresses, which are not publicly available to protect their privacy. PayPal is  
3 not seeking to seal the names of these employees.

4       7. PayPal expends significant efforts to keep the Redacted Information confidential.  
5 The Redacted Information is not available to the public and, as evident by Epic's pending Motion,  
6 Epic understands and acknowledges that it is to keep the information confidential. If the Redacted  
7 Information were to be made public, PayPal's competitors and/or other parties would gain first-  
8 hand knowledge to proprietary information, which would cause PayPal competitive harm.  
9 Competitors can use this information to gain an unfair competitive advantage, or otherwise try to  
10 put themselves in an advantageous position using PayPal's proprietary information. Furthermore,  
11 certain PayPal employees would be harmed by exposing their personal identifying information to  
12 the public.

13           I declare under penalty of perjury under the laws of the United States of America that the  
14 foregoing is true and correct.

15           Executed this 10<sup>th</sup> day of May, 2021, at Baltimore County, Maryland.

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DocuSigned by:  
  
Brian Sims  
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